UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of	
CERTAIN COAMOXICLAV PRODUCTS, POTASSIUM CLAVULANATE PRODUCTS, AND OTHER PRODUCTS DERIVED FROM CLAVULANIC ACID.	**Inv. No. 337-TA-479**

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION EXTENDING THE TARGET DATE FOR COMPLETION OF THE INVESTIGATION

AGENCY: U.S. International Trade Commission.

ACTION: Notice

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 10) issued on March 25, 2003, by the presiding administrative law judge (ALJ) in the above-captioned investigation extending the target date for completion of the investigation by three months, *i.e.*, until February 12, 2004.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TTD terminal on 202-205-1810. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://edis.usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 5, 2002, based on a complaint filed by GlaxoSmithKline, PLC of the United Kingdom and SmithKlineBeecham d/b/a GlaxoSmithKline of Philadelphia, Pennsylvania alleging a violation of section 337 of the Tariff Act of 1930 in the importation, sale for

importation, and sale after importation of certain coamoxiclav products, potassium clavulanate products, and other products derived from clavulanic acid products and potassium clavulanate by reason of misappropriation of trade secrets and unfair competition. 67 *Fed. Reg.* 57850. The complainant named Biochemie GmbH, of Austria, Biochemie SpA, of Italy (collectively Biochemie), Novartis AG of Switzerland (Novarits), and Geneva Pharmaceuticals of New Jersey (Geneva) as respondents.

On March 6, 2003, the ALJ issued an ID (Order No. 7) granting a motion by Biochemie and Geneva for a finding that they did not engage in any unfair acts, and therefore did not violate section 337. Because the ALJ also extended his ruling of no violation to respondent Novartis, the ID potentially disposes of the entire investigation. On March 19, 2003, the Commission extended its 30-day deadline for determining whether to review the ID by 21 days, or until April 28, 2003.

On March 25, 2003, respondents filed an unopposed motion for an extension of the target date by at least three months and a stay of the procedural schedule, pending the Commission's ruling on ALJ Order No. 7. The motion was supported by the Commission investigative attorney. Respondents asserted that a stay is necessary to conserve resources that would be expended for discovery while the Commission determines whether to review Order No. 7. They also assert that they cannot be ready for trial in mid-May because of the time that they have expended on responding to Order No. 7. The ALJ granted the motion to extend the target date for good cause shown in ALJ Order No. 10. He also granted the motion to stay the procedural schedule in ALJ Order No. 11. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 190, as amended, 19 U.S.C. § 1337, and in section 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.42(h).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: April 16, 2003